

**ATTORNEY'S DOCKET NUMBER: 2006517-0010 (Bacterial Delivery DIV2)**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Caplan et al.	Examiner:	P. N. Huynh
Serial No.:	10/728,323	Art Unit:	1644
Filing Date:	December 4, 2003	Conf. No.:	8163
Title:	MICROBIAL DELIVERY SYSTEM		

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. § 1.136**

A five-month extension of time from September 9, 2009, up to and including February 9, 2010, is hereby respectfully requested to respond to the Office Action mailed on January 9, 2009. Applicant filed a Notice of Appeal, a three-month extension of time, and the requisite fees on July 9, 2009. The deadline for filing an Appeal Brief without fees was September 9, 2009. A five-month extension of time, from September 9, 2009, up to and including February 9, 2010, is hereby respectfully requested, and the extension fee of \$1,175 under 37 C.F.R. § 1.17(a) for a small entity along with the Request for Continued Examination fee under 37 C.F.R. § 1.17(e) are being paid via the USPTO's Electronic Filing System's credit card payment option. Applicant thus submits that the present Request for Continued Examination and Response are timely submitted on Tuesday, February 9, 2010.

Respectfully submitted,

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Date: February 9, 2010